...and New Zealand

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ALTHOUGH WE MAY THINK we know whether a society is free or not, the amount of intellectual freedom present in it is not subject to measurement. Three guidelines which should be remembered in any general discussion of intellectual freedom can be postulated. First, just as no person is completely free in the material and physical senses, so is his intellectual freedom a relative one, although the society he lives in gets immunity from the commoner forms of inhibition of freedom such as censorship, restrictions on speech or action. De Tocqueville said it well: "Providence has not created mankind entirely independent or entirely free. It is true that around every man a fatal circle is traced, beyond which he cannot pass; but within the wide verge of that circle he is powerful and free."[1]

Second, it is only by individual variation, individual freedom and individual growth that a society achieves growth and freedom. We are inclined to overlook this because the measures we insist upon for freedom take the form of actions agreed upon by the society as a whole. But society should provide for the widest possible range of individual differences in growth patterns, so as to enable the individual to develop and thus enrich society itself. The encouragement of a wide-ranging growth has two aspects, one of removing hindrances, the other of providing generously the various kinds of intellectual food, through schooling, through libraries, and through opportunities for further education after formal schooling has ended.

Third, attempts to cut back or prune individual freedom of thought or expression have in an impressive number of cases resulted sooner or later in a gain in intellectual freedom, sometimes of a spectacular kind. John Stuart Mill has challenged the universality of this and has cited depressing examples of apparently permanent suppression of

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liberty in the wake of persecution.[2] Enough examples of restrictions and suppressions being followed by a greater resurgence of freedom exists however, to warrant holding this as an important element in the discussion.

New Zealand, like Australia, is a young country in terms of its settlement by Europeans. Two hundred years ago Captain James Cook made his first landfall on the New Zealand coast near Gisborne in the North Island. Nearly another hundred years were to pass before systematic, organized settlement took place. The country remained for many years, until well into the twentieth century, an isolated, remote but loyal part of an empire that was to crumble in the face of two destructive wars. A country far from Europe, a country with the widest of open spaces, a country with few people, able to begin to create its own institutions without prejudice—how attractive these features seem in retrospect to those concerned with a beneficial climate for freedom. Yet in 1904, André Siegfried, a perceptive writer about New Zealand, could see two counterbalancing trends in the national character. He wrote: "At times he becomes imaginative, expansive, eager for reforms and new ideas, recking little of vain respect for ancient prejudices. At times, on the other hand, he shows himself, to our great astonishment, a lover of ancient forms and established hierarchies, more than half a snob, and, in his way, almost a conservative."[3]

In one sense Siegfried has done no more than to say that he thought New Zealanders to be human beings. It is indisputable that all persons balance two drives or urges in their make-up, the urge towards growth or towards new forms, and the urge to repeat patterns previously established by parents or by the race. More significant is Siegfried's surprise that in a country so new, so relatively small, so far from older communities, there should still persist such a strong regard for previously established forms of conduct and institutional development.

Comparatively little was to disturb the insular peace of New Zealand until 1914. The first of the great wars, the economic depression of the early thirties, and the war of 1939-45, each brought critical shocks to the country. The wars brought severe loss of life, but economic effects were marked in all three cases. Repercussions of a social and intellectual kind were likewise widespread. The wartime movement abroad of a significant segment of the younger males in the country followed by the return of those who survived could not but in due time affect attitudes to older beliefs and practices. The waves of the world de-

pression reached New Zealand in the first years of the 1930s and brought suffering, bitterness, and doubt about the values and goals of established society. The war of 1914-18 provides illustrations of how fragile the concept of intellectual freedom can become when a society acts blindly, almost instinctively, in imagined self-defense.

George von Zedlitz was a German-born, mainly English-educated, professor of modern languages at Victoria University College in Wellington. He was appointed in 1901, and before the war had established himself as an admirable holder of his position. His devotion to his students and to his academic institutions was never in doubt, but when war came his position became technically that of an enemy alien, since his father was German (although his mother was English) and his own naturalization had not been formally carried out. Following his offer to resign, the New Zealand government, through its minister of internal affairs, sought and obtained a written statement from him that he would hold no communication with the enemy nor would he be a party to giving information of any nature to that enemy. Here the matter could have rested but for the lamentable public outcry for his dismissal, a demand which was ultimately and indeed inconsistently acceded to by the government when it passed the Alien Enemy Teachers Act of 1915, an act that was expressly designed to force the Victoria College Council to dismiss von Zedlitz and to rob the country of the work and intellectual contributions of an outstanding university teacher.[4]

In the following year, on December 22, 1916, Peter Fraser, who was to become prime minister of New Zealand in 1940, was jailed. A conscription or "draft law" having been passed by Parliament, new regulations were issued under that law to curb public discussion of it. Fraser's public criticism of the measure brought him a year in jail. He emerged with enough support in a Wellington electorate to win a seat in Parliament, keeping this seat until his death over thirty years later. His later career was a notable one, and not least for his contribution as New Zealand's great minister of education. It was Fraser's decision to establish a state library service which would serve public libraries with an increasingly wide range of books and which made possible, directly or indirectly, much of the library development in New Zealand since the late 1930s. The central service Fraser inaugurated, although financed by the general government, worked in close partnership with the many local authorities and smaller library units. It made possible a broadening of understanding by many who with-

out knowing it were seeking intellectual freedom through access to books. It brought the chance to read.[5]

In times of war, hysteria and intolerance of any point of view but the official one are to some extent inevitable. It is sad to look back on the economic upheavals of the early 1930s and to note the intolerant criticism by those with established views different than their own. Victims of such intolerance in those times had very few options. Their labor was not held in high regard. Some who were not afraid to hold and to publish opinions which today seem almost orthodox were made to suffer—an editor of a leading daily newspaper and a university lecturer among them. And it is sad, also, to recall that at this apparent nadir of New Zealand's intellectual and social history the university college which fought so well but unsuccessfully in 1914-18 for a principle of intellectual and academic freedom, in 1933 was on the wrong side. The Council of Victoria University College in that year became embroiled with some of the organizations of its students about the extent to which spoken and published discussion of—among other things—sexual and religious subjects should be permitted in debating clubs and student publications. A committee of the council solemnly reported that in spite of the regrettable and erring ways of some individuals, all was under reasonable control. From the decisions and actions of that time it is clear that the independent questioning role of the university was being threatened. J. C. Beaglehole, one of New Zealand's best known scholars, in his history of the College has treated this episode with skill and sympathy. Of the committee's report he says: "It is an ignoble document but it is one the faithful historian cannot pass over."[6]

Censorship of books, periodicals, films, and other means of communication has always been, even in a disguised or minor form, a factor in the life of New Zealand society. How far it has really inhibited intellectual freedom and growth is impossible to gauge. Looking back at the formidable array of controls that, if used, could have impeded the flow of ideas, one is tempted to take a gloomy view. A factor in the situation from earliest times was that all but a tiny fragment of the books in use had to enter the country as imports. This placed the customs department in a difficult, if not an impossible, situation since the officers administering acts and regulations could not be expected to distinguish between serious and worthless literature. The improvements in public law and administrative practice which have come about in the last few years are noted below, but

the growth of book publishing in New Zealand and the increase in the number of intelligent persons with the ability to make critical judgments in the community have changed the situation radically.

It would be as hard to meet a professional librarian in New Zealand who would defend the practice and principle of censorship as it would be to meet such a librarian in North America. It is now even possible to meet senior administrative officers of government or even elected representatives in Parliament who are intellectually convinced of the rightness of dismantling all the seemingly preposterous apparatus of censorship. Such people, however, are still in a minority and have no illusions about the political inevitability of some forms of control for some time to come.

A keypoint in the evolution towards a more liberal viewpoint was the passing of the Indecent Publications Act on October 16, 1963. The events leading to this legislation and a brief account of how it worked in practice in the first year after its passing have been ably recorded by one of its members, Stuart Perry.[7] Perry, city librarian of Wellington, has had legal training and a long record of activity on behalf of the New Zealand Library Association in the matter of censorship. The 1963 act repealed all earlier measures although it re-enacted parts of them. Controls over importation of "horror comic" literature became a public issue in 1953-54, and Perry justly describes the unfortunate Indecent Publications Amendment Act (now repealed) of that year as a panic measure. The legislature seems to have been as unsure of the nature of the problem it imagined itself to be facing as it was unsure of the remedy to be applied. In trying to provide some kind of safeguard against what was described as a menacing flood of cheap pornography, the 1954 act gathered in all forms of printed matter, making their distribution subject to quite vexatious procedures. These procedures were, for a work-a-day bookseller or distributor, almost impossibly difficult to comply with. It was not surprising that they were substantially modified a few years later.

The 1963 act was lengthily discussed in Parliament.[8] A study of the debate shows a wide difference in attitudes of members, from the "we must protect our young minds" school to the more realistic and informed individuals anxious to preserve individual freedoms. One of the strengths of the 1963 act was the amount of study that had been put into it, and the way in which groups of informed people had a chance to influence its drafting. The New Zealand Library Association had a representative on the committee set up to advise the

minister, and two other librarians were there in other representative capacities. The New Zealand Council for Civil Liberties, an important body, had officially or not, a key person on the committee. This was W. J. Scott, who in his writing and in his actions has been a tireless and valiant fighter and worker for intellectual freedom.

The main feature of the new act was the establishment of a tribunal which had the power to declare a work indecent or not, and the power to prescribe the conditions under which a work might be made publicly available. The tribunal has five members; its chairman must be a barrister or solicitor of the Supreme Court with not less than seven years practice. Two of its other four members must have special qualifications in the field of literature or education. In spite of the strictures upon it by the outstanding literary critic, E. H. McCormick, an ex-librarian, the tribunal has performed ably and well, so far. McCormick, as quoted by Perry, commented about the membership of the tribunal and the first book which was to be considered by it, James Baldwin's *Another Country,* by saying: "a quintet of old and ageing persons, most of them undistinguished even by the standards of this mediocre little community, is to sit in judgment on one of the heroic figures of our time."[9] The tribunal appears to have had little difficulty in finding that *Another Country* is not indecent and it made no order restricting its distribution. As far as can be seen, it did not sit in judgment on the author.

Later decisions by the tribunal bore out early hopes that here for the first time was a means whereby the almost necessary evil of censorship could be made bearable. What clearly appeared by the end of three years of its work was that, broadly, only those works "utterly without merit," the phrase that comes from the Supreme Court of the USA—could be expected to receive a negative reaction from the New Zealand tribunal. An English barrister, C. R. Hewitt, who writes under the pseudonym of C. H. Rolph, and who had a long career in this prickly field, visited New Zealand recently. He has been on record since then as being impressed by what he saw of the work of the tribunal: "I believe there are lessons to be learned from New Zealand's interesting experiment."[10] On the individuals composing it, he commented, "In Wellington I had the pleasure of meeting some of them. . . . I'd like to record that if Lord Goodman's plan ever comes to fruition I hope we get a tribunal of at least the same calibre."[11] The reference to Lord Goodman concerns his publicly stated hope that prosecutions in Britain should be confined to books that had "failed

to commend themselves to a committee of literate persons specially selected for the purpose." [10]

The efforts of liberal-minded persons in the Council for Civil Liberties, the Library Association, the Department of Justice, and members of the legislature, have thus had some result. Where previously New Zealand had a proliferation of small powers at local, provincial and central levels and of officials dealing savagely with serious works of literature, this at least has now been made unlikely if not impossible. Whether New Zealand will be able to follow Denmark in scrapping censorship of books is doubtful. Whether the cause of intellectual freedom has really been furthered by a greater freedom from restraints on published literature is also too difficult a question to be answered now.

The skeptic in such matters studying the still existing hindrances to the free circulation of films, books, and media of communication of all kinds would note three things. He would in fairness agree that the past two or three decades have witnessed a growth of liberal trends in public opinion and official practice. He would possibly reserve some doubt as to whether the matters so fully and sometimes so heatedly discussed in public have originated in an intellectual as opposed to a political, social, or aesthetic conscience. He would share with Jacques Barzun a reservation on this point: "The three great forces of mind and will—Art, Science and Philanthropy—have, it is clear, become enemies of Intellect not of set purpose, not by conspiracy, but as a result of their haphazard assimilation within the House of Intellect itself. The intellectual class, which ought always to remain independent, even of Intellect, has been captivated by art, overawed by science, and seduced by philanthropy." [12] Finally, if he were a librarian, he would want to insure that the range of books freely available for public use by people of all ages was as wide and deep as it could possibly be made.

References

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3. Siegfried, André. *Democracy in New Zealand.* London, G. Bell and Sons, 1914, p. 46.

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9. Perry, Stuart, *op. cit.*, p. 79.

10. Rolph, C. H. (pseud. of C. R. Hewitt) "Prison for Publishers," *New Statesman,* 77:355, March 1969.

11. *Ibid.*, p. 356.

12. Barzun, Jacques. *The House of Intellect.* New York, Harper & Brothers, 1959, p. 27.